REMARKS

PRELIMINARY REMARKS

Presently, claims 1-62 are pending in the application.

A petition with the appropriate fee for the necessary extension of time is submitted herewith.

I. APPLICANTS' INVENTION

The present invention relates to a catheter balloon comprised of a composite of porous PTFE and an elastomer. The balloon simultaneously offers the high strength characteristics of inelastic balloons (able to withstand inflation to high pressures) with the behavior of a elastic, low pressure latex balloon in that it does not require folding around the catheter shaft for insertion at a minimum diameter (as do conventional polyethylene terephthalate high pressure catheter balloons). Following inflation and during subsequent deflation, the balloon returns to its original pre-inflation small diameter without wrinkles, again in the fashion of a low pressure elastic (latex) balloon.

II. REJECTION OF CLAIMS 18, 26 AND 39-46 UNDER 35 USC 112, 2nd PARAGRAPH AS BEING INDEFINITE.

The Examiner states that, with respect to claims 18, 26 and 39 (claims 40-46 depend from claim 39), the preamble of these claims indicates that the claims are drawn to the subcombination of the catheter balloon while the body of the claims positively recites elements of the catheter, making the scope of the claims unclear. The claims are amended herein to delete reference to the catheter. The amendment resolves the indefiniteness rejection while the specification makes it clear that the change in length of the balloon, between its deflated state and when inflated to a pressure of 8 atmospheres, is measured when the balloon has been attached to a catheter shaft. The claims thus relate to any catheter balloon having all of the limitations included in the claim including a change in length of less than 10 percent when the catheter balloon is affixed to a catheter.

III. REJECTION OF CLAIMS 1--62 UNDER THE JUDICIALLY CREATED DOCTRINE OF OBVIOUSNESS TYPE DOUBLE PATENTING AS BEING UNPATENTABLE OVER THE CLAIMS OF US 5,752,934.

Applicants submit herewith a terminal disclaimer, in view of which the rejection becomes moot.

CONCLUSION

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned **"Version with markings to show changes made."**

Applicants submit that their claims are patentable over the cited art and are in condition for allowance. Accordingly, Applicants respectfully request reexamination and passage of the claims to issuance.

If any issues of substance are seen to remain following consideration of the arguments presented herein, in the interest of expedient resolution the Examiner is requested to telephone the Applicants' representative at the telephone number given below, between the hours of 8AM to 5PM Mountain Standard Time.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Amend claim 18 as follows:

18. A catheter balloon according to claim 15 wherein the catheter balloon has opposing ends[affixed to a catheter], said balloon having a length measured between said opposing ends, and wherein the length varies less than about ten percent when the balloon is in a deflated state and when the balloon is inflated to a pressure of 8 atmospheres.

Amend claim 26 as follows:

26. A catheter balloon according to claim 25 wherein the catheter balloon has opposing ends[affixed to a catheter], said balloon having a length measured between said opposing ends, and wherein the length varies less than about ten percent when the balloon is in a deflated state and when the balloon is inflated to a pressure of 8 atmospheres.

Amend claim 39 as follows:

39. A catheter balloon comprising a porous material and elastomeric material, the porous material being sealed to render it liquid-tight, wherein the catheter balloon has opposing ends[affixed to a catheter], said balloon having a length measured between said opposing ends, and wherein the length varies less than about ten percent when the balloon is in a deflated state and when the balloon is inflated to a pressure of 8 atmospheres.